

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STEPHEN BRENT DAWSON,

Plaintiff,

v.

CITY OF ADA, OK

Defendant.

Case No.: C 07-3589 PVT

**ORDER TO SHOW CAUSE WHY CASE
SHOULD NOT BE TRANSFERRED TO
THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF
OKLAHOMA**

On July 11, 2007, Plaintiff filed a complaint against the City of Ada, Oklahoma, alleging that the police department in that city has subjected him to abuse.¹ On July 31, 2007, Plaintiff filed an amended complaint. Based on the complaint and the file herein,

IT IS HEREBY ORDERED that, no later than September 7, 2007, Plaintiff shall file a declaration showing cause, if there be any, why this case should not be either dismissed, or else transferred to the United States District Court for the District of Oklahoma. The only Defendant in this case is a city located in Oklahoma. Under 28 U.S.C. section 1391, a case in which


¹ The holding of this court is limited to the facts and the particular circumstances underlying the present motion.

1 jurisdiction is not based solely on diversity of citizenship² may be filed only in:

2 “(1) a judicial district where any defendant resides, if all defendants reside in the same
3 State; (2) a judicial district in which a substantial part of the events or omissions
4 giving rise to the claim occurred, or a substantial part of property that is the subject of
the action is situated, or (3) a judicial district in which any defendant may be found, if
there is no district in which the action may otherwise be brought.”

5 Based on the allegations in the complaint, it appears that the only proper venue for this case is the
6 District of Oklahoma. Where a Plaintiff files his case in the wrong district, the District Court must
7 either dismiss the case or else transfer it to District Court in the correct district. *See* 28 U.S.C.
8 § 1406(a). Thus, unless Plaintiff can show legal authority for venue in this district, the court will
9 transfer the case to the District of Oklahoma.

10 Dated: 8/3/07

11 
12 PATRICIA V. TRUMBULL
United States Magistrate Judge

28 ² On the original Civil Cover Sheet Plaintiff filed with his complaint, he identifies his
cause of action as the Americans with Disabilities Act. Thus, it appears that jurisdiction is based on
federal question.

1 copies mailed on 8/7/07 to:

2 Stephen Brent Dawson
3 c/o Social Ministry Office
4 80 South Market Street
5 San Jose, CA 95113-2321

/s/ Donna Kirchner for:

CORINNE LEW
Courtroom Deputy